

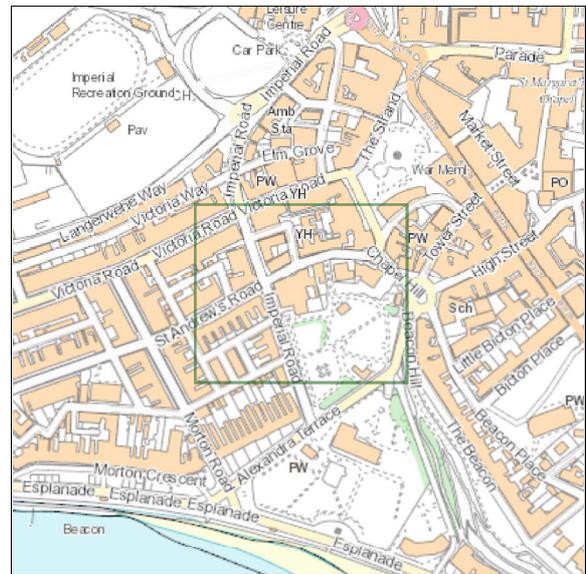
**Ward** Exmouth Town

**Reference** 19/1753/MFUL

**Applicant** Stag Inns (Exmouth) Ltd

**Location** Sams Funhouse St Andrews Road/Imperial Road Exmouth EX8 1AP

**Proposal** Demolition of existing buildings and construction of 34 apartments on the upper floor; cafe/bar, restaurant and youth centre on the ground floor with associated parking, cycle and bin store provision



**RECOMMENDATION: Refusal**



		<b>Committee Date: 22<sup>nd</sup> July 2020</b>
<b>Exmouth Town (Exmouth)</b>	<b>19/1753/MFUL</b>	<b>Target Date: 08.11.2019</b>
<b>Applicant:</b>	<b>Stag Inns (Exmouth) Ltd</b>	
<b>Location:</b>	<b>Sams Funhouse St Andrews Road/Imperial Road</b>	
<b>Proposal:</b>	<b>Demolition of existing buildings and construction of 34 apartments on the upper floor; cafe/bar, restaurant and youth centre on the ground floor with associated parking, cycle and bin store provision</b>	

**RECOMMENDATION: REFUSAL**

#### **EXECUTIVE SUMMARY**

**This application is before Members as the officer view is contrary to that of Exmouth Town Council.**

**The application site is within the development boundary close to the town centre of Exmouth in an area designated as flood zones 2 and 3. There are a mix of residential and commercial properties bounding the site.**

**The proposal would allow for the redevelopment of a site which occupies a prominent position at the entrance to the town which currently makes little positive contribution to the streetscene or the wider Conservation Area. It is proposed to demolish the existing buildings on the site and replace them in a comprehensive modern development providing a mixture of commercial uses and residential apartments above. It is proposed to provide a café, youth club and restaurant premises at ground floor with 34 no. apartments over a further 3 floors split into two main blocks – 35% of the proposed apartments would be for affordable occupation.**

**National Planning Policy advises that only in exceptional circumstances should residential development be permitted in areas at high risk of flooding especially when there are areas available in less vulnerable areas in the district. It has been suggested by the applicant's agent that a reduced area of sequential test should be considered given the considerable need for rented affordable units in Exmouth and given the high level of affordable housing proposed. However, in this instance given the significant amount of smaller units recently approved and the fact that insufficient evidence has been provided by the applicant to demonstrate that registered providers would be interested in taking on the units, or whether this would be on a shared ownership basis or as rented accommodation which puts the deliverability of rented affordable housing into doubt, it is considered that a**

**reduced sequential test area has not been justified. There is considered to be sufficient land available in the district to meet the need without developing in areas of high flood vulnerability as such it is considered that this proposal fails to satisfy the sequential approach to steering new development to areas with the lowest probability of flooding.**

**Matters of residential amenity, design and layout, highway safety and drainage have all been found to be acceptable subject to appropriate safeguarding conditions.**

**Notwithstanding the benefits from provision of smaller units, acceptable design and an above policy level amount of affordable housing, the harm from the provision of development in an area of high flood vulnerability and concerns over the lack of interest in the affordable units is considered to outweigh the benefits of the scheme and therefore the application is recommended for refusal for this reason.**

## **CONSULTATIONS**

### **Local Consultations**

Parish/Town Council  
Meeting 19.08.19

Objection on the grounds that the proposal was overdevelopment of the site in terms of its mass and scale. The site was in Conservation Area, members felt the design had not been mindful of the surrounding building styles and therefore contrary to policy EB2 of the Neighbourhood Plan. The parking provision was inadequate for the number of proposed dwellings.

Further comments\_Meeting 30.09.19

Objection sustained, amended plans did not mitigate previous concerns raised.

Further comments Meeting 03.02.20

Objection sustained, members felt the amended plans did not go far enough to mitigate concerns raised regarding overdevelopment, mass and scale. Although members had no objection in principle to the development of the site.

Further comments: 27.04.2020

No objection to the amended plans subject to outstanding noise concerns from EH were met, outstanding concerns from Conservation Officer considered and if possible, a further reduction on number of apartments to mitigate over development concerns.

Due to the restrictions placed on the council as a result of the pandemic Coronavirus, this response represents the opinion of members of Exmouth Town Council Planning Committee agreed via co-ordinated telephone and email consultation process and will be ratified at the next appropriate meeting of the council

Exmouth Town Ward – Cllr Eileen Wragg

With regards to the above planning application, I assume that this will be heard by DMC, so until it does, I reserve any views that I might have until I have heard all the information available. In case a delegated decision is considered, I request that due to the interest in this application, that it goes to Committee for decision.

**Technical Consultations**

Devon County Highway Authority

The application is located on the junction of St Andrews Road (L2608) and Imperial Road (L2625).

Exmouth benefits from good sustainable travel, of bus, train and the Exe-Estuary trail together with an array of local services and facilities. Therefore although various uses are proposed for this site, I do not believe traffic will build-up onto local carriageway parking.

However a comprehensive construction management plan needs to be prepared to show how the site can be transformed in-situ.

The proposed site layout allows for turning off-carriageway and the re-entry of vehicles to the highway in a forward gear motion. The visibility splay upon the existing access will remain unimpeded. The cycle storage will help in the cause of sustainable travel and inter-connection with the local sustainable travel facilities.

Recommendation:

THE HEAD OF PLANNING, TRANSPORTATION AND ENVIRONMENT, ON BEHALF OF DEVON COUNTY COUNCIL, AS LOCAL HIGHWAY AUTHORITY, MAY WISH TO RECOMMEND CONDITIONS ON ANY GRANT OF PLANNING PERMISSION

1. No development shall take place until details of secure cycle/scooter storage facilities have been submitted to and approved in writing by the County Planning Authority. The development shall be implemented in accordance with the approved details.

REASON: To promote sustainable travel in accordance with the East Devon Local Plan 2013-2031.

2. Prior to commencement of any part of the site the Planning Authority shall have received and approved a Construction Management Plan (CMP) including:

- (a) the timetable of the works;
- (b) daily hours of construction;
- (c) any road closure;
- (d) hours during which delivery and construction traffic will travel to and from the site, with such vehicular movements being restricted to between 8:00am and 6pm Mondays

to Fridays inc.; 9.00am to 1.00pm Saturdays, and no such vehicular movements taking place on Sundays and Bank/Public Holidays unless agreed by the planning Authority in advance;

(e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;

(f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;

(g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;

(h) hours during which no construction traffic will be present at the site;

(i) the means of enclosure of the site during construction works; and

(j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site

(k) details of wheel washing facilities and obligations

(l) The proposed route of all construction traffic exceeding 7.5 tonnes.

(m) Details of the amount and location of construction worker parking.

### Conservation

#### CONSULTATION REPLY TO PLANNING WEST TEAM PLANNING APPLICATION AFFECTING LISTED BUILDING AND CONSERVATION AREA

ADDRESS: Sams Funhouse, St Andrews Road/Imperial Road, Exmouth

GRADE: Adj II APPLICATION NO: 19/1753/MFUL

CONSERVATION AREA: Adj Exmouth

PROPOSAL: Demolition of existing buildings and construction of 35 apartments on the upper floor; cafe/bar, restaurant and youth centre on the ground floor with associated parking, cycle and bin store provision

#### BRIEF DESCRIPTION OF HISTORIC CHARACTER/ ARCHITECTURAL MERIT:

The site including Sams Funhouse and the Community Centre, 'The Hive', falls within Area A, an extension to Exmouth's Conservation Area, characterised as ... Morton and Alexandra Terraces are bold and prominent stuccoed buildings on the seafront. Dating from the late 19th century their linear form, scale and detailing contribute to the character of Exmouth. To the east and north of these terraces the seafront is dominated by the open space of the pleasure gardens, most notably Manor Gardens linking the seafront with the town centre.' Manor Gardens, is located to the rear of Sams Funhouse, a mixed use urban block, the majority of which includes a consciously designed public green space, with mostly C19th utilitarian public structures defining the southern edge. The wider setting includes, the rhythm provided by the mass, scale and detail of the C19th terraced housing to the west, Chapel Hill to

the east and the open space of the pleasure gardens to the south, which in conjunction with Manor Gardens, provides a green corridor to the seafront. In summary, Manor Gardens forms the immediate setting of the land to the rear of Sams Funhouse. The gardens make a positive contribution to the character of the surrounding conservation area. While there is some built form to the southern boundary, these are mostly C19th public service buildings, of reasonable quality and design that in conjunction with Manor Garden introduce an urban block, within a mostly residential part of the conservation area.

#### HOW WILL PROPOSED ALTERATIONS AFFECT HISTORIC CHARACTER OF BUILDING AND ITS SETTING:

This application has been the subject of pre-application advice under 19/0072/PREAPP

The proposed scheme is for a mixed use development with business/office use, restaurant and Youth Centre at ground floor and residential apartments above and there is no objection in principle to this use. Despite this advice, the proposed scale, mass and bulk of the development across the whole site still appears to be excessive, particularly in the context of the immediate surrounding development opposite in Imperial Road and on the north side of St Andrews Road. It is noted that the existing building behind 'The Hive' is considerably larger and this hierarchy of development should be reflected in any future proposals with scope to include both two and up to four storeys. There is still a considerable expanse of flat roof and the low profile zinc roof at second floor is an unusual solution.

The proposals now introduce a more contemporary approach at the upper levels to reduce the overall massing of the development. However, whilst there is no objection in principle to a contemporary solution, this has created a very large overall structure outside the existing built forms and the stepped levels from ground up to a 4th floor (5 storeys) are out of keeping with the adjacent traditional two to three storey buildings, many residential, that surround the site.

Overall, whilst in conservation terms some form of development is considered to be acceptable, this needs to be sufficiently reduced to have less impact and therefore to be less than substantial harm, on the inherent character associated with the surrounding Exmouth Conservation Area.

PROVISIONAL RECOMMENDATION - PROPOSAL  
ACCEPTABLE some form of development  
UNACCEPTABLE current proposals

Further comments:

ADDRESS: Sams Funhouse, St Andrews Road/Imperial Road, Exmouth

GRADE: Adj II APPLICATION NO: 19/1753/MFUL

Amended plans received 23rd January 2020:

This is certainly an improvement on the original scheme and includes changes to the elevations, including those to St Andrews Road and Imperial Road, a reduction in the number of floors, changes to the roofscape, now divided into two distinct roof areas and changes to the roof profiles creating more traditional pitches. In addition, the overall design has been broken up into more individual blocks with a gradual setting back of the individual floors respecting the original form and massing of the site more closely.

The changes to the materials, the introduction of brick and slate are also welcomed, but will require careful choices in terms of samples etc.

There is still some concern relating to the ground floor frontage of the curved corner of St Andrews Road and Imperial Road, where the large glazed frontage to the restaurant could be improved by more sub-division and better detailing.

Further comments:

ADDRESS: Sams Funhouse, St Andrews Road/Imperial Road, Exmouth

GRADE: Adj II APPLICATION NO: 19/1753/MFUL

Amended plans received 20th April 2020:

The amended plans relate mainly to other matters rather than heritage issues. The slight change to the Heritage Statement with regards the reduced number of units from 35 to 34 is noted. No further comments.

SUGGESTED CONDITIONS: materials and frontage detailing

### EDDC Trees

The site is bounded to the south and east by the Manor Gardens. Primarily there are two groups of mature trees growing in this part of the Gardens that overhang the southern boundary of the site. All of these trees benefit from the protection afforded them by the Conservation Area status of the site. It is noted that there is no Arboricultural Survey or report accompanying this application.

The group of trees adjacent to the Imperial Road frontage is shown as retained in the combined plans and the perspective drawing. The overhanging crowns being given space by virtue of them overhanging the access road. Some limited crown raising can be anticipated in order to facilitate and maintain clearance for vehicles accessing the site.

The lack of appropriate arboricultural advice may lie behind the conflict created by the building line in the SE corner of the site extending into the existing canopy of the adjacent tree group. The situation is further aggravated by the design of units 12 and 23, with the two windows serving the lounge areas facing directly into the crowns of these trees.

This conflict does not provide for sustainable retention of these trees. The current design will result in extensive crown reduction in order to facilitate the construction of the building and further pressure to reduce the crowns in order to enable appropriate light levels to be available to future residents of these units. As such this element of the application is not acceptable arboriculturally and requires redesign to accommodate the long term sustainable retention of these trees.

Notwithstanding the above, should the application be granted consent a condition is required to secure an appropriate Tree Protection Plan, Arboricultural Method Statement and details of any branch reduction or pruning (compliant with BS 3998:2010) necessary to facilitate the construction of the development.

Further comments:

I have no objection to this development with the following condition:

Prior to commencement of any works on site (including demolition), Tree Protection measures shall be carried out as detailed within the Arboricultural Report and method statement submitted by Advanced Arboriculture on the 14 November 2019 and shall adhere to the principles embodied in BS 5837:2012 and shall remain in place until all works are completed, no changes to be made without first gaining consent in writing from the Local Authority

In any event, the following restrictions shall be strictly observed:

(a) No burning shall take place in a position where flames could extend to within 5m of any part of any tree to be retained.

(b) No trenches for services or foul/surface water drainage shall be dug within the crown spreads of any retained trees (or within half the height of the trees, whichever is the greater) unless agreed in writing by the Local Planning Authority. All such installations shall be in accordance with the advice given in Volume 4: National Joint Utilities Group (NJUG) Guidelines for the Planning, Installation and Maintenance of Utility Apparatus in Proximity to Trees (Issue 2) 2007.

(c) No changes in ground levels or excavations shall take place within the crown spreads of retained trees (or within half the height of the trees, whichever is the greater) unless agreed in writing by the Local Planning Authority.

(d) No trees, shrubs or hedges within the site which are shown as being planted or retained on the approved plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without the prior written consent of the Local Planning Authority. Any trees, shrubs or hedges removed without such consent, or which die or become severely damaged or seriously diseased within five years from the occupation of any building, or the development hereby permitted being brought into use shall be replaced with trees, shrubs or hedge plants of similar size and species unless the Local Planning Authority gives written consent to any variation.

(Reason - To ensure retention and protection of trees on the site prior to and during construction in the interests of amenity and to preserve and enhance the character and appearance of the area in accordance with Policies D1 - Design and Local Distinctiveness and D3 - Trees and Development Sites of the Adopted New East Devon Local Plan 2013-2031).

Housing Strategy Officer Melissa Wall

In accordance with Strategy 34 this proposal should provide for 25% affordable housing which is 8.75 units.

Ideally the units should be provided on-site with a commuted sum for the 0.75. The heads of terms state that 25% affordable housing will be provided, however the plans do not identify which of the units are to be affordable. There is no mention of tenure either. In accordance with policy 70% (6 units) should be for rented accommodation and 30% (2 units) as shared ownership or other form of home ownership product.

As the affordable units are not identified I cannot comment on their suitability. However I am concerned that the arrangement and layout of the flats may not be suitable for providers of affordable housing. The preference for registered providers is for affordable flats to be in a separate, self-contained block. Mixed tenure flats (affordable and market housing) is not suitable when it comes to the management of the building and maintenance arrangements. This is especially relevant when there is a management company and a service charge is payable for items such as a lift. This can also effect the affordability of the units. The design of this block shows one long corridor on each floor with the flats accessed off the corridor and I am concerned that this will put off registered providers. This should be explored further with registered providers to assess the suitability of the building to provide on-site affordable housing. It may be the case that another form of affordable housing on-site may be more suitable especially if no provider is necessary i.e. discounted market sale housing. However we would want to be assured that this is the only option and evidence should be provided to support this option. A commuted sum towards the provision of off-site affordable housing is also an option when all others have been fully explored.

This development is a good opportunity to meet the need for affordable 1 bedroom units in a central location close to local amenities however it needs to be deliverable.

Any deviation from the policy compliant amount of affordable housing must be evidenced by a viability assessment. Without submitting a viability assessment we will not be in a position to enter into discussions regarding the affordable housing element. In addition, an overage clause will be sought in respect of future profits and affordable housing provision, where levels of affordable housing fall below policy targets.

Further comments:

The amendments include the reduction from 35 flats to 31. To be policy compliant 7.75 units (25%) for affordable housing is now required.

The affordable units are still not identified on the plans so I cannot comment on their suitability. I still have concerns regarding the mixed tenure block and whether these affordable units will be able to be delivered. Generally there is a lack of information provided about the proposed affordable units for this scheme.

Further comments:

The applicant has increased the affordable provision from 8 units to 12 units (35% provision) and made changes to group all the affordable units together with a core staircase and separate lift. This is a result of feedback from Registered Providers

(RPs). Some of the comments received included that 8 units was too few a number for some providers hence the increase in provision to 12, which is above policy requirements. The applicant has sought to mitigate the risks identified by the RPs by trying to separate the affordable units from the market and with a core staircase however this staircase is still shared with some of the market flats.

The flats identified as the affordable units range in size from 26 sq m to 42 sq m and are considerably smaller than some of the 1 bedroom market flats. EDDC has not adopted any space standards however flat 15 at 26 sq m is very small even for 1 person.

In 3.3 of their Affordable Housing Statement the agent states that they will go back to the RPs with the revised scheme. We have not yet received these comments so do not know if these changes have made the scheme more attractive to a RP. Therefore it still remains that no registered provider has expressed an interest in taking on the units.

Although the applicant has sought some feedback from registered providers and amended the proposal to reflect those comments without a provider on board these units will not be able to be delivered on-site. Normally in these circumstances we would agree to a commuted sum payment (once all supporting evidence had been submitted), however there are other factors aside from affordable housing with this site and development, namely the location in a flood zone which is not supported. A commuted sum does not equate to the same amount of units as on-site therefore it is not a like for like benefit in terms of numbers provided.

### NHS Local Summary

As our evidence demonstrates, the Trust is currently operating at full capacity in the provision of acute and planned healthcare. It is further demonstrated that although the Trust has plans to cater for the known population growth, it cannot plan for unanticipated additional growth in the short to medium term. The contribution is being sought not to support a government body but rather to enable that body to provide services needed by the occupants of the new development, for one year only, and the funding for which, as outlined above, cannot be sourced from elsewhere. The development directly affects the ability to provide the health service required to those who live in the development and the community at large.

Without contributions to maintain the delivery of health care services at the required quality, constitutional and regulatory standards and to secure adequate health care for the locality, the proposed development will put too much strain on the said services, putting people at risk of significant delays in accessing care. Such an outcome is not sustainable.

One of the three overarching objectives to be pursued in order to achieve sustainable development is to include b) a social objective – to support strong, vibrant and healthy communities ... by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being:" NPPF paragraph 8.

There will be a dramatic reduction in the Trust's ability to provide timely and high quality care for the local population as it will be forced to operate over available capacity and as the Trust is unable to refuse care to emergency patients. There will also be increased waiting times for planned operations and patients will be at risk of multiple cancellations. This will be an unacceptable scenario for both the existing and new population. The contribution is necessary to maintain sustainable development. Further the contribution is carefully calculated based on specific evidence and fairly and reasonably related in scale and kind to the development. It would also be in the accordance with Council's current Local Plan.

## Conclusion

In the circumstances, it is evident from the above that the Trust's request for a contribution is not only necessary to make the development acceptable in planning terms it is directly related to the development; and fairly and reasonably related in scale and kind to the development. The contribution will ensure that Health services are maintained for current and future generations and that way make the development sustainable.

## Police Architectural Liaison Officer - Kris Calderhead

Thank you on behalf of Devon and Cornwall Police for the opportunity to comment on this application. There aspects of the design that I cannot support.

It is disappointing to note that designing out crime has not been referred to in the Planning Statement and therefore it is not clear whether such principles have been considered in the application. Sections 91 and 127 of the NPPF state that planning policies and decisions should aim to achieve places which are 'safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion' and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience'.

The site is situated within Beat area 'KE2D Exmouth Town' which crime and incident data shows experiences higher levels of offences such as criminal damage, acquisitive crime, public order incidents, vehicle and violent crime, when compared with other Beat areas within the same Sub Sector policing area. Therefore measures to reduce the likelihood and fear of crime and anti-social behaviour (ASB), should be a clear consideration of the scheme.

## Access and Movement

How is access and movement throughout the site going to be managed and controlled in order to prevent conflict between the different uses at the development?

I note that 'the proposal will provide 25 parking spaces'. Can it be confirmed if the parking space is intended for use by residents, customers of the café/restaurant and/or users associated with the Youth Centre? A shortage in parking could cause conflict.

From the plans, it appears that there is open vehicle and pedestrian access to the rear parking area including the under-croft parking. I cannot support such a design as it has shown to increase the likelihood of crime and ASB.

It is vital that access to the residential parts of the development are restricted to residents and that casual intrusion is prevented. If communal areas, landings, stairwells, corridors etc. as well as the car park itself, are compromised then they can attract ASB such as rough sleeping, drug use etc. and crimes such as damage, theft, arson etc. particularly in a location within the town centre.

With regards to under-croft car parking it essential to ensure that criminal opportunity is minimised and the safety of legitimate users maximised. To assist please find the following Secured by Design guidance for underground and under-croft car parks:-

- An access control system must be applied to all vehicular and pedestrian entrances to prevent unauthorised access in to the carpark.

- Inward opening automatic gates or roller grilles must be located at the building line to avoid the creation of a recess. They must be capable of being operated remotely by the driver whilst sitting in the vehicle, the operation speed of the gates or shutters should be as quick as possible to avoid tail gating by other vehicles. This will allow easy access by a disabled driver, and should satisfy the requirements of the Highways Department who under normal circumstances do not permit vehicles to obstruct the pedestrian footway whilst the driver is unlocking a gate. Automatic roller shutters should be certificated to a minimum of LPS 1175 SR1, STS 202 BR1 or LPS 2081 SRA

- Lighting must be at the levels recommended by BS 5489:2013.

- Walls and ceilings must have light colour finishes to maximise the effectiveness of the lighting as this will reduce the luminaires required to achieve an acceptable light level. Reflective paint can reduce the number of luminaires needed to achieve the desired lighting level and reduce long term running costs.

Additionally any internal door that gives access to the residential floors must have an access control system, as must the lifts in order to prevent unrestricted access to residential areas. Further advice in relation to external communal doorsets is given below.

### Physical Protection

External communal doorsets need to be robust enough to withstand the day to day use in a communal application. The following guidance as set out by Secured by Design should be adhered to (Secured by Design Homes 2019). They should be certified to one of the following standards:

- STS 202 Issue 6:2015 Burglary Rating 2
- LPS 1175 Issue 7.2:2014 Security Rating 2+
- LPS 1175 Issue 8:2018 B3 Security Rating 2+
- LPS 2081 Issue 1.1:2016 Security Rating B
- PAS 24:2016, paragraph 4.4.3 i.e. tested to BS EN 1627 Resistance

A visitor door entry system should be installed with the following features:

- Capability to allow a visitor to ring any selected dwelling within the particular system and/or building, and hold a two way conversation.
- Allow the occupant to see and identify the visitor and their location.
- Enable occupant of the dwelling to remotely operate the electric locking device from their room terminal, thereby allowing the visitor access.
- Ability to display the image of the caller before the call is answered so the resident can choose whether to answer the call or not.
- SBD recommends the use of colour monitors to assist the occupier with the identification of visitors

With suitable access control measures including:

- Access to the building via the use of a security encrypted electronic key (e.g. fob, card, mobile device, key etc.)
- Vandal resistant external door entry panel with a linked camera
- Ability to release the primary entrance doorset from the dwelling
- Live audio/visual communication between the occupant and the visitor
- Ability to recover from power failure instantaneously;
- Unrestricted egress from the building in the event of an emergency or power failure;
- Capture (record) images in colour of people using the door entry panel and store for those for at least 30 days. If the visitor door entry system is not capable of capturing images, then it should be linked to a CCTV system or a dedicated CCTV camera should be installed for this purpose.
- All visitor and resident activity on the visitor door entry system should be recorded and stored for at least 30 days. This information should be made available to police within 3 days upon request.
- Tradesperson release mechanisms are not permitted as they have been proven to be the cause of anti-social behaviour and unlawful access to communal developments. External doorset apertures for retail use should be certificated to a minimum:
- LPS 1175: Issue 7, SR2 or
- STS 201 or STS 202: Issue 3, BR2

In relation to electronic access control, specifiers are advised to make reference to guidance published by the British Security Industry Association (BSIA) 'A specifiers guide to the Security classification of access control systems'.

Windows for retail use should be certificated to a minimum:

- PAS 24:2016 or
- STS 204 Issue 3: 2012, or
- LPS 1175 Issue 7:2010 Security Rating 1 or
- LPS 2081 Issue 1:2014 Security Rating A

Additional security may be gained by utilising additional protection such as a certified roller shutter or grille.

### Security Glazing

All ground floor and easily accessible glazing should incorporate one pane of laminated glass to a minimum thickness of 6.4mm or glass successfully tested to BS EN 356:2000 Glass in building. Security glazing - resistance to manual attack to category P1A.

### Bin and Cycle Storage

I note that 'cycle storage will be provided for a minimum of 1 bicycle for each dwelling' but am unsure from the plans where such storage will be situated.

If external containers specifically designed for the secure storage of bicycles and other property are to be used, they should be certificated to one of the following minimum security standards:

- LPS 1175 Issue 7.2, Security Rating 1
- LPS 1175 Issue 8:2018 A1 Security Rating 1
- STS 202, BR 1
- LPS 2081 Issue 1 (2015) Security Rating A
- Sold Secure (Bronze, Silver or Gold)

The locking system must be easily operable from the inner face by use of a thumb turn to ensure that residents are not accidentally locked in by another person.

If the cycle storage is an external, open communal store with individual stands or multiple storage racks for securing bicycles, the store should be in view of active rooms, lit at night using vandal resistant, light fittings and energy efficient LED lights.

Research by the 'Design against Crime Centre' suggests that cyclists should be encouraged to lock both wheels and the crossbar to a stand rather than just the crossbar and therefore a design of cycle stand that enables this method of locking to be used is recommended. Minimum requirements for such equipment are:

- Galvanised steel bar construction (minimum thickness 3mm)
- Minimum foundation depth of 300mm with welded 'anchor bar'.

If integral communal bin and/or cycle stores are to be used, they should be easily accessible, with floor to ceiling dividing walls, no windows and be fitted with a secure doorset meeting one of the following standards:

- PAS 24:2016
- STS 201 Issue 7:2015
- LPS 1175 Issue 7.2:2014 Security Rating 2+
- LPS 1175 Issue 8:2018 B3 Security Rating 2+
- STS 202 Issue 6:2015 Burglary Rating or
- LPS 2081 Issue 1.1:2016 Security Rating B

As with the external containers, the locking system must be easily operable from the inner face by use of a thumb turn to ensure that residents are not accidentally locked in by another person.

### Mail Delivery

What provision will there be for mail delivery and utility readings? As above there should be no unrestricted access to the doors of the flats and no tradesperson or timed release mechanisms on the communal door entry system.

SBD recommends that a 'through-the-wall' mail delivery into secure internal letterboxes, or boxes located within an 'airlock' access controlled entrance hall/lobby, whereby access can be gained by a postal worker through the outer door only, and therefore negate casual intrusion could be used. However, from the plans in the current design this does not appear to be suitable. If plans are not altered to incorporate such a system, external letterboxes that meet the requirements of the Door and Hardware Federation standard Technical Standard 009 (TS009) should be used. If utility readings cannot be carried out remotely it would be preferable that they were located externally near the main entrance or in the 'airlock' space, thus again negating the need of a trades button.

### Surveillance CCTV

Given the location of the development, lack of surveillance afforded to under-croft parking, the mixed use nature of the site and the levels of crime and ASB in the Beat area, CCTV should be distributed throughout the development. Coverage of access controlled areas, entry/exit points, secure areas, the bar/café area are particularly important. A Passport for Compliance document including an Operational Requirement must be in place.

### Environment Agency

Thank you for the recent consultation with regards to the above. We object to this proposal on flood risk grounds.

The flood risk assessment, as submitted, does not appear to have correctly identified the level of flood risk and appropriate methods of mitigation.

In order for the flood risk assessment to be satisfactory it should include all flood risks to the residential and commercial elements of the scheme (surface water and tidal)

and provide an agreed design flood level. The assessment should describe the flood risks to the current and proposed commercial development.

We recommend that the revised flood risk assessment include drawings showing the finished floor levels above the predicted flood levels taking account of climate change over the lifetime of development.

#### Commercial Development

It is recommended that the development of the site take the opportunity to provide a better standard of protection than the what is currently onsite. A betterment can be achieved by raising the ground floor as high as technically possible. The ground floor level should aim to be at least 600mm above road levels. In addition the flood resilience measures should be employed up to the design flood level which is approximately 4.6m AOD.

#### Residential Development

Under most circumstances safe access and egress is the preferred option and by far the safest. The proposed provision of safe refuge during a flood event should be considered, in terms of appropriateness, against the duration of the flood event and the dangers associated with undertaking rescues. It is a matter for the emergency services and the emergency planners on the suitability of safe refuge. The flood risk assessment should set out the scenario for safe refuge and provide a realistic timeframe for the use of the refuge space before evacuation will be necessary. In instances when the refuge is not supplied by water, or electricity the length of time the safe refuge can be occupied will be very short. Such constraints should be outlined in the flood risk assessment to determine the suitability of the refuge space.

Should you have any queries with regards to the above please do not hesitate to get in touch.

Further comments:

#### Environment Agency position

Following review of the Flood Risk Assessment (Ref. J-1047-Rev. 01, EDS), we maintain our objection to the proposed development on the grounds of flood risk. The reason for this position and advice is provided below.

Reason - The site is located within flood zone 3, identified by Environment Agency Flood Maps as having a high probability of flooding. The submitted Flood Risk Assessment (FRA) concludes that the commercial ground floor element of the development could flood up to 0.5m from tidal flood water during a design event. The FRA considers this flooding to be manageable by flood resilient construction techniques and suitable flood plans triggered by flood warning information.

However, as set out in our previous letter dated the 19th August 2019, further information is required regarding the feasibility of raising ground floor levels. Whilst we recognise that it may not be possible to raise the floor levels to the full level (at least 600mm above road levels), the applicant needs to demonstrate that the floor is, or can be, raised as high as technically possible with full justification as to why the highest level cannot be achieved.

We note that the FRA proposed electrical circuitry and apparatus installed at or above 5.14mAOD.

Advice - We wish to highlight to the applicant that the Exmouth tidal defences are very important to this location. The existing defences are currently being upgraded to provide a comprehensive scheme to protect from tidal flooding from the Exe Estuary and wave overtopping along the Esplanade. When these upgrades are completed and operated correctly, there will be a sufficient level of protection, however the applicant needs to consider the residual risk to the development from defence failure or mismanagement.

#### Overcoming our Objection

The applicant may overcome our objection by submitting further information to cover the deficiencies outlined in this letter. We would accept an addendum to the FRA which investigates the matters of raising flood levels, and discusses the benefits of future improved tidal defences with the residual risk also considered.

Further comments:

Thank you for re-consulting us on this application.

#### Environment Agency position

Following review of the revised Flood Risk Assessment (FRA), we maintain our objection to the proposed development. The reason for this position and advice is provided below.

Reason - We have reviewed the revised flood risk assessment prepared by EDS (ref. J-1047-Rev.02, dated 21/01/20). Whilst this assessment is more comprehensive than previous submissions for the development, it does not fully address two key points which have been highlighted in our earlier correspondence. These are as follows:

1. Finished floor levels for ground floor units - section 4.0 on Mitigation Measures indicates that the FFL will be 300mm above existing levels. However, the specific level to mAOD is not defined and there is no clear reference to the existing level. A specific level should be stated, which is then reflected in the application details.
2. There are currently flood defences for Exmouth which provide a degree of protection from tidal flooding in the estuary and along the Esplanade. These defences are currently being improved to provide a defence level of 4.50mAOD. Such protection will have significant benefits to the development and should be acknowledged appropriately in the assessment.

#### Overcoming our objection

The applicant may overcome our objection by submitting further information that covers the deficiencies outlined within this letter. Please re-consult us on any revised information relevant to the above points.

Please contact us again if you require any further advice.

Thank you for re-consulting us on this application.

Further comments:

Thank you for re-consulting us on this application. We have reviewed the amended proposal which includes an increase in the number of residential units and layout changes. We have also reviewed the additional Flood Risk Assessment (FRA) (ARA Architecture reference 7816 dated 4/3/2020). We can support the findings of the additional FRA in line with the amendments. We consider that these revisions do not change our position from that of our previous letter reference DC/2019/120835/04-L01 dated 27th February 2020. This is reproduced below:

Environment Agency position

Following review of the revised Flood Risk Assessment (FRA) (reference J-1047-Rev.03) and drawing reference 7816-100 revision E, we are able to remove our objection to the proposed development subject to the inclusion of a condition on any permission granted which ensures the implementation of the FRA. Suggested wording for this condition and the reason for this position is provided below.

Condition - Implementation of the Flood Risk Assessment

The development shall be carried out in accordance with the submitted flood risk assessment (EDS, reference: J-1047-Rev.03) and the following mitigation measures it details:

- Finished Floor Levels of 3.30mAOD
- Flood Resistant materials used for all new construction work below 5.14mAOD
- Future electrical circuitry and apparatus installed at or higher than 5.14mAOD, and where this is not feasible, should be designed to be suitable for inundation with water
- Flood resistant barriers to 600mm high
- Residents should sign up to the EA's flood warning system

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development

Reason - To reduce the risk of flooding to the proposed development and future occupants.

Reason for position - The updated FRA (Ref: J-1047 Issue 03) and Site & GF Plan (Ref: 7816-100 Rev E) have been reviewed. These documents now define the Finished Floor Levels for the ground floor units and acknowledge the benefits provided by the improved tidal flood defences being constructed for Exmouth.

It would be advisable for the applicant to prepare a flood plan which outlines how the business will respond to a flood. Further advice on this can be found in the following link: <https://www.gov.uk/prepare-for-a-flood>

Please contact us again if you require any further advice.

### Environmental Health

Final response sent to planning west on 12th March:

Dear Planning West

I have assessed the planning application including the amended planning statement.

We would be unable to recommend approval for the scheme as there are some serious omissions in the amendments:

(1) Sound Insulation - in particular above the youth centre  
Unfortunately I am not confident that the applicant / and or their agent understands the sound insulation problems associated with this development:

- o They have only recommended a proprietary sound insulation systems for dealing with the walls
- o There is no information relating to how they would deal with ceilings and floors
- o They have also suggested a sound reduction of 80 dB between the youth centre and the residential units - The wall sound insulation system suggested is often used in very noisy situations for example separating rooms in cinema complexes
- o The suggested total thickness of the wall sound insulation system product they have suggested (GypWall audio) varies between 300 and 800 mm and in order to get the 80 DB reduction, the maximum thickness would be required. The product is clearly not designed for floor / ceiling use, but this information gives an idea of the thickness and the level of insulation that would be required between vertically stacking units to achieve 80 dB reduction. I think you would agree that this would be a substantial structure "above" the youth centre and may or may not be achievable given the proposed unobstructed ceiling span, though I am not an engineer!

From my own personal experience of measuring sound insulation, a good quality acoustic floating floor and a good quality acoustic ceiling when used in combination with an existing ceiling which passes current building regulation document E standards should achieve 60 DB sound reduction if installed by experienced contractors who regularly install acoustic products and understand the nature of undertaking such works (for example not nailing down an acoustic floor!) I believe achieving 80 dB reduction would be difficult in a new mixed use building

(2) Odour abatement

The applicant proposes that we condition the restaurant ventilation system with a list of requirements.

I think given the relative complexity of the proposed development, we would be unable to recommend approval of a ventilation system unless very detailed specifications (including drawings) regarding odour and noise abatement are provided.

Holding response sent on 25.02: Consideration of these plans is taking some time to evaluate because we are concerned about noise transmission between units, particularly where habitable rooms are immediately above or adjacent to each other. We intend to submit our final comments before 13th March.

I have assessed the planning application including the amended planning statement.

We would be unable to recommend approval for the scheme as there are some serious omissions in the amendments:

(1) Sound Insulation - in particular above the youth centre  
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I think given the relative complexity of the proposed development, we would be unable to recommend approval of a ventilation system unless very detailed specifications (including drawings) regarding odour and noise abatement are provided.

I hope the above is self-explanatory and please do not hesitate to contact me for further advice or information.

Further comments:

We have received notification of amended plans and an amended design and access statement for the above application. We sent over the full EH comments on 12th March (prepared by John Smith who has now left EDDC) and I have included them below. I cannot see in the amended docs that these concerns have been addressed so please could the agent be requested to address each point below with

details of the solution being offered? In this way it will be clear in the future that all the EH concerns have been addressed and this will be important in the event of neighbourhood noise issues between new residents and also between the residential and commercial uses.

#### South West Water

I refer to the above and would advise that South West Water has no objection and can confirm the proposed surface water drainage strategy is acceptable insofar as an attenuated discharge of 10l/s to the public sewer meets our requirements.

Further comments:

I refer to the above application and would advise that South West Water has no objection subject to details of the proposed means of surface water drainage being submitted for approval.

Whilst it is accepted the existing buildings currently drain their roofwater to the public sewer we would expect to see attenuation to provide a betterment over the existing situation.

It should also be noted that public sewers lie within the site area (see plan under associated documents tab) and no buildings or structures will be permitted within 3 metres of these without our prior approval.

Further comments:

I refer to the above application and would advise that South West Water has no comment on the proposed amendments.

#### DCC Flood Risk Management Team

At this stage, we object to this planning application because we do not believe that it satisfactorily conforms to Policy EN22 (Surface Run-Off Implications of New Development) of the East Devon Local Plan (2013-2031). The applicant will therefore be required to submit additional information in order to demonstrate that all aspects of the proposed surface water drainage management system have been considered.

Observations:

The applicant has not provided any information in relation to the disposal of surface water from the site to enable me to make observations on the proposal. The applicant must therefore submit a surface water drainage management plan which demonstrates how surface water from the development will be disposed of in a manner that does not increase flood risk elsewhere, in accordance with the principles of Sustainable Drainage Systems. The applicant is therefore advised to refer to Devon County Council's draft Sustainable Drainage Design Guidance, which can be found at the following address:

<https://www.devon.gov.uk/floodriskmanagement/sustainable-drainage/suds-guidance/>.

Further comments:

Recommendation:

Our objection is withdrawn and we have no in-principle objections to the above planning application at this stage, assuming that the following pre-commencement planning conditions are imposed on any approved permission:

No part of the development hereby permitted shall be commenced until the detailed design of the proposed permanent surface water drainage management system has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. The design of this permanent surface water drainage management system will be in accordance with the principles of sustainable drainage systems, and those set out in the [Document Name] (Report Ref. [Document Reference], Rev. [Document Revision], dated

[Document Date]). No part of the development shall be occupied until the surface water management scheme serving that part of the development has been provided in accordance with the approved details and the drainage infrastructure shall be retained and maintained for the lifetime of the development.

Reason: To ensure that surface water runoff from the development is managed in accordance with the principles of sustainable drainage systems.

Advice: Refer to Devon County Council's Sustainable Drainage Guidance.

No part of the development hereby permitted shall be commenced until the detailed design of the proposed surface water drainage management system which will serve the development site for the full period of its construction has been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority. This temporary and quality, of the surface water runoff from the construction site.

Reason: To ensure that surface water runoff from the construction site is appropriately managed so as to not increase the flood risk, or pose water quality issues, to the surrounding area.

Reason for being a pre-commencement condition: A plan needs to be demonstrated prior to the commencement of any works to ensure that surface water can be managed suitably without increasing flood risk downstream, negatively affecting water quality downstream or negatively impacting on surrounding areas and infrastructure.

Advice: Refer to Devon County Council's Sustainable Drainage Guidance.

No part of the development hereby permitted shall be commenced until the full details of the adoption and maintenance arrangements for the proposed permanent surface water drainage management system have been submitted to, and approved in writing by, the Local Planning Authority, in consultation with Devon County Council as the Lead Local Flood Authority.

Reason: To ensure that the development's permanent surface water drainage management systems will remain fully operational throughout the lifetime of the development.

Reason for being a pre-commencement condition: These details need to be submitted prior to commencement of any works to ensure that suitable plans are in place for the maintenance of the permanent surface water drainage management plan, for the reason above.

Observations:

Following my previous consultation response FRM/DM/0228/2019, dated 19th June 2019, the applicant has submitted additional information in relation to the surface water drainage aspects of the above planning application, for which I am grateful.

The applicant has produced a surface water drainage strategy which is compliant with DCC SUDS Guidance (2017). The strategy will present a betterment to the existing surface water runoff regime by attenuating flows and restricting discharge to 10l/s.

Thank you for letting us know that additional information has been submitted for 19/1753/MFUL - Sams Funhouse St Andrews Road/Imperial Road Exmouth EX8 1AP. The updated 04/03/2020 Flood Risk Assessment does not have any updated information on drainage, therefore my response from 02/10/2019 still stands.

Recommendation:

We have no in-principle objections to the above planning application, from a surface water drainage perspective, at this stage.

Observations:

The previously submitted Redevelopment at St Andrews Road, Imperial Road, Exmouth, EX8 1AP - Foul and Surface Water Drainage Statement (Report Ref. J-1047, Rev. -, dated 12th September 2019) remained the same and therefore our previous response Ref. FRM/ED/1753/2019 dated 02nd October 2019 remains unchanged.

The applicant has submitted the Sequential Test Report and associated FRA to examine the alternative sites within Exmouth Town Centre. As the proposed development site is within Flood Zone 3, The Environment Agency shall be consulted.

Other Representations

In total 14 letters of representation have been received at the time of writing this report. 4 letters of support have been received with the following observations:

- Regeneration of the site which is an eyesore
- Good design
- Would provide affordable housing into the town
- Improvement to the visual amenity of the site
- Current buildings are an eyesore

10 letters of objection have been received raising concerns which can be summarised as:

- Inadequate parking provision
- Loss of family attractions

- Over provision of restaurants and cafes in the town
- Flooding and sewerage
- No provision for waste and recycling
- Over-development
- Large overbearing building
- Pressures on local parking
- Loss of pub and community facility
- Overlooking and loss of privacy
- Over bearing impact
- Noise

## **POLICIES**

### Adopted East Devon Local Plan 2013-2031 Policies

Strategy 6 (Development within Built-up Area Boundaries)

Strategy 22 (Development at Exmouth)

Strategy 34 (District Wide Affordable Housing Provision Targets)

D1 (Design and Local Distinctiveness)

D3 (Trees and Development Sites)

EN5 (Wildlife Habitats and Features)

EN14 (Control of Pollution)

EN21 (River and Coastal Flooding)

EN22 (Surface Run-Off Implications of New Development)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

### Exmouth Neighbourhood Plan

#### Government Planning Documents

NPPF (National Planning Policy Framework 2018)

NPPG (National Planning Practice Guidance)

## **Site Location and Description**

The site refers to a complex of buildings which occupy a prominent corner plot position at the junction of Imperial Road and St Andrews Road. The buildings currently contain

a variety of commercial uses including two Public House's, Sam's Funhouse, a children's play area and cafe and a Community Centre. The site falls within Area A, an extension to Exmouth's Conservation Area. On the eastern boundary is Manor Gardens, a public park which forms the immediate setting of the land to the rear of Sam's Funhouse. The streets around the site are made up of predominantly Edwardian terraced houses, small shops and other businesses typical of an area located just off the town centre.

In planning terms the site is located within the built-up area boundary of Exmouth and falls within the extended Conservation Area. The land also falls within an area designated as flood zones 2 and 3- areas at highest risk of flooding.

## **PLANNING HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
09/0325/MFUL	Conversion of 1st & 2nd floors into 14 flats comprising 8 X 2 bedroom and 6 X 1 bedroom units and associated bicycle and refuge storage.	Approval with conditions	10.07.2009
13/2610/FUL	Change of use of the first floor from nightclub to childrens play area	Approval with conditions	20.01.2014
16/2867/FUL	Change of use of offices and store room and extensions to provide 8 no flats	Withdrawn	02.10.2017
17/2498/FUL	Change of use of offices/store rooms and extensions to provide 6no. flats	Refusal	13.02.2018

It is pertinent to note that an application to change the use of offices/store rooms and extensions to provide 6no. flats to the rear of Sams Fun House (land and buildings included within this application) was refused in 2018 (ref 17/2498/FUL) for the following reasons:

- 1. The Environment Agency Flood Map indicates that the site lies in flood zone 3 where there is a high risk of flooding. There are other reasonably available sites within the district of East Devon with a lower probability of flooding than the application site that would be appropriate for the type of 'more vulnerable' residential development proposed. In the absence of a sequential test showing there are no alternative sites for housing development, there is a lack of evidence that the proposal would bring about wider sustainability benefits for the community that would outweigh the flood risks for the buildings and potential*

*occupiers over the lifetime of the buildings on a site in flood zone 3 which is likely to adjust in the future. The proposals are contrary to guidance within the National Planning Policy Framework and National Planning Policy Guidance and Policy EN21 (River and Coastal Flooding) of the East Devon Local Plan.*

- 2. The proposal would result in the loss of office/employment space, and no evidence has been submitted to indicate that the current offices are no longer viable. The current use does not harm area, the building is not listed and it is not proposed to introduce an A1 use. Therefore, the proposal fails to comply with Strategy 32 (Resisting Loss of Employment, Retail and Community Sites and Buildings) of the East Devon Local Plan 2013 - 2031, as well as guidance contained within the National Planning Policy Framework.*

An appeal was subsequently dismissed (ref APP/U1105/W/18/3200250) on the basis that the proposal was not appropriately located in terms of flood risk and therefore failed the sequential test set out within the National Planning Policy Framework and the National Planning Practice Guidance.

### **Proposed Development:**

Planning permission is sought for the demolition of the existing buildings on the site and for the construction of a mixed use development with business/office use, restaurant and Youth Centre at ground floor and 34 no, 1 and 2 bedroom residential apartments across the 1st, 2nd, 3rd and 4th floors above.

The proposal offers 35% on-site affordable housing which equates to 12 one bedroom units on the first and second floors of the building. The proposed building would reach a maximum of 4 stories in height with a roofscape that has been designed to be divided into two distinct roof areas with traditional roof pitches. The design approach is contemporary in the form of individual blocks with a gradual setting back of the individual floors whilst incorporating more traditional materials in the form of red brick and natural slate with sections of render to break up parts of the building.

The building presents itself as two storey to Imperial Road gradually stepping up to four stories in the form of a pitched slate roof. The St Andrews Road elevation would be predominately three stories with glazed commercial units at ground floor, stepping up to four stories in height with a pitched roof. A number of the residential apartments would have recessed balcony areas. The ground floor of building would have a distinctive curved corner fronting onto St Andrews Road and Imperial Road with a large glazed frontage to the proposed ground floor restaurant.

The proposal would make provision for 27 car parking spaces in a courtyard area behind the proposed building which would be accessed via the existing vehicular access off Imperial Road.

### **Issues and Assessment:**

The main issues to consider in determining this application relate to the following matters:

- Principle of the proposed development
- Flood Risk
- Affordable Housing
- Character and Appearance
- Heritage Impact
- Impact on neighbouring amenity
- Ecology and Trees
- Habitats Regulation Assessment
- Highway safety and Parking
- Drainage
- Other matters

#### **Principle of Development:**

The National Planning Policy Framework (NPPF) states that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The Council formally adopted the East Devon Local Plan 2013-2031 on 28th January 2016 and the policies contained within it are those against which applications are being determined and carry full weight. The Exmouth Neighbourhood Plan has been 'made' and carries full weight alongside the Local Plan.

The site lies within the Built-up Area Boundary (BuAB) of Exmouth. The spatial strategy for the District requires significant housing to take place within these boundaries, with the seven main towns (of which Exmouth is one) forming focal points for development. In addition, Strategy 22 requires moderate new housing development to take place within Exmouth, in addition to the stated allocations. The principle of development is therefore acceptable.

#### **Flooding and Sequential Test:**

The site lies within flood zones 2 and 3 as defined by the Environment Agency's mapping system and is therefore at high risk of flooding. In accordance with guidance in the National Planning Policy Framework (NPPF) development should be directed to areas with a lower risk of flooding (flood zone 1) unless it can be demonstrated, through a sequential test, that there are no other suitable sites in flood zone 1. It is usual practice to set the areas of search for the sequential test as the whole of East Devon's administrative area and clearly there would be a number of sites available in flood zone 1 to accommodate 34 no. apartments, however, as indicated in the

following text from the National planning Practice Guidance, the area of search can be reduced where there is an overriding need to certain developments.

*'For individual planning applications where there has been no sequential testing of the allocations in the development plan, or where the use of the site being proposed is not in accordance with the development plan, the area to apply the Sequential Test across will be defined by local circumstances relating to the catchment area for the type of development proposed. For some developments this may be clear, for example, the catchment area for a school. In other cases it may be identified from other Local Plan policies, such as the need for affordable housing within a town centre, or a specific area identified for regeneration. For example, where there are large areas in Flood Zones 2 and 3 (medium to high probability of flooding) and development is needed in those areas to sustain the existing community, sites outside them are unlikely to provide reasonable alternatives.*

*When applying the Sequential Test, a pragmatic approach on the availability of alternatives should be taken. For example, in considering planning applications for extensions to existing business premises it might be impractical to suggest that there are more suitable alternative locations for that development elsewhere. For nationally or regionally important infrastructure the area of search to which the Sequential Test could be applied will be wider than the local planning authority boundary.*

*Any development proposal should take into account the likelihood of flooding from other sources, as well as from rivers and the sea. The sequential approach to locating development in areas at lower flood risk should be applied to all sources of flooding, including development in an area which has critical drainage problems, as notified to the local planning authority by the Environment Agency, and where the proposed location of the development would increase flood risk elsewhere'.*

In this instance it has been suggested by the applicant that the need for 1 and 2 bedroom properties in Exmouth is an important consideration and one that should be taken into account when determining the area of search for a sequential test. The table below (taken from Devon Home Choice) indicates the current level of need in Exmouth, this is where the greatest need is in the district.

3.Areas in East Devon	Exmouth
-----------------------	---------

Count of Bedroom	Bedroom					Grand Total
	1	2	3	4	5	
Band B	27	13	6	3	2	51
Band C	31	51	40	10	1	133
Band D	160	45	14	3	1	223
Grand Total	218	109	60	16	4	407

Given this high demand for one and two bedroom properties in excess of 300 units, the applicant considers that a reduced area of search for a sequential test could be justified in principle.

The sequential test that has been undertaken by the applicant's agent considers 18 sites within the built up area boundary that could accommodate some or all of the proposed development. The Council has no reason to dispute any of the reasons for discounting the sites considered, however, the sequential test does not examine existing permissions that have yet to be commenced or properties currently under construction that could meet some of the demand. The Council is aware of permissions at Plumb Park (16/1022/MOUT) for 260 dwellings, 88 of which are affordable housing, predominantly 1 and 2 bedroom apartments and houses and an outline planning permission at Goodmores Farm (14/0330/MOUT) for up to 350 dwellings, 18 of which would be affordable houses. Accordingly, a significant amount of the affordable housing need would be met by these permissions as well as providing a number of open market smaller units within areas in the town less at risk of flooding.

The affordable housing offer is discussed in more detail in the next section of this report. The applicant's agent has contacted registered providers to ascertain whether they are likely to take on affordable units within a mixed block with open market units however insufficient evidence has been provided by the applicant to demonstrate that registered providers would be interested in taking on the units or whether this would be on a shared ownership basis or as rented accommodation. Without evidence of interest or confirmation of tenure type from the RP's and without a provider on board these affordable units will not be able to be delivered on-site and it is therefore questionable as to whether the need and demand for rented accommodation would be met to justify allowing a reduced area of search for the sequential test and to direct new residential development to an area most at risk of flooding.

Therefore, it is a matter of judgement as to whether the need identified in the table above is of sufficient weight to be addressed now rather than in the future, when future allocations of land are made. Officers are of the opinion that in all likelihood the units would be shared ownership and this would not meet any of the rented need identified and whilst the affordable units would still be occupied by persons in need it is not tackling the issue that justified a reduced area for sequential testing in the first place i.e. the demand for rented accommodation.

Therefore, given the level of recent approvals for smaller units and affordable units in Exmouth and the lack of evidence of the deliverability of the affordable housing or interest from RP's it is not considered, at this point in time, that there is sufficient justification to warrant development in an area of high vulnerability of flooding and that the need can be met by current development and future allocations both in Exmouth and district wide.

As such it is considered that the principle of development would be unacceptable as there is sufficient land in flood zone 1 in the district to meet the current needs and that the reduced sequential test area has not be justified by providing shared ownership units rather than rented.

## **Affordable Housing**

In accordance with Strategy 34 (District Wide Affordable Housing Targets) of the Local Plan to be policy compliant, this proposal should provide for 25% affordable housing which equates to 8.75 units.

A clear benefit from this scheme is the fact that the applicant is offering to provide 35% affordable housing on-site which equates to 12 one bedroom apartments and is above the policy requirement of Strategy 34. Whilst this over provision is welcomed and would contribute towards meeting the identified need for 1 bedroom affordable units within the town, the weight to be attributed to this offer within the overall planning balance is questionable.

The Council's Housing Enabling Officer acknowledges that the development is a good opportunity to meet the need for affordable 1 bedroom units in a central location close to local amenities but that it needs to be deliverable.

Concerns have been expressed about the arrangement and layout of the flats which may not be suitable for providers of affordable housing. It is understood that the preference for Registered Providers is for affordable flats to be in a separate, self-contained block. Mixed tenure flats (affordable and market housing) tend not to be suitable when it comes to the management of the building and maintenance arrangements which can be especially relevant when there is a management company and a service charge is payable for items such as lifts etc. This can also effect the affordability of the units and deter Registered Providers.

In response to these concerns, the scheme has been amended to group all the affordable units together with a core staircase and separate lift. This is a result of feedback from Registered Providers (RPs). Some of the comments received from RP's included that 8 units was too few a number for some providers hence the increase in provision to 12, which is above policy requirements. The applicant has sought to mitigate the risks identified by the RPs by trying to separate the affordable units from the market and with a core staircase however this staircase is still shared with some of the market flats.

The Housing Enabling Officer has advised that the flats identified as the affordable units range in size from 26 sq m to 42 sq m and are considerably smaller than some of the 1 bedroom market flats. EDDC has not adopted any space standards however flat 15 at 26 sq m is very small even for 1 person.

In section 3.3 of the applicant's Affordable Housing Statement the agent states that they will go back to the RPs with the revised scheme. However these comments have not been received so it is unclear as to whether these changes have made the scheme more attractive to a RP and whether the affordable housing offer would be deliverable. Despite repeated requests to the agent for expressed levels of interest from RP's to the scheme, none has been forthcoming. Therefore it still remains that no registered provider has expressed an interest in taking on the units and therefore officers consider that the weight that should be attributed to the deliverability of the affordable housing offer, above the policy requirement, should be cautioned. Officers are aware that this issue is currently being experienced at another recently approved mixed use development within Exmouth where the affordable housing offer was considered to

outweigh concerns in respect of flood risk and the sequential test. In that case however no interest from a Registered Provider has been forthcoming undermining the original reason for the grant of planning permission.

Although the applicant has sought some feedback from registered providers during the course of this application and has amended the proposal to reflect those original comments without a provider on board these units will not be able to be delivered on-site. Normally in these circumstances the Council would agree to a commuted sum payment (once all supporting evidence had been submitted), however there are other factors aside from affordable housing with this site and development, namely the location in a flood zone which is not supported by officers.

On the basis that the deliverability of the affordable housing within the development has not been robustly evidenced through interest from Registered Providers, on balance, officers do not consider that the offer of 35% affordable housing is sufficient to outweigh the concerns in respect of the principle issue in relation flood risk and permitting residential development in areas at highest risk of flooding.

### **Loss of Employment, Retail and Community Sites and Buildings**

Strategy 32 of the Local Plan seeks to ensure that local communities remain vibrant and viable and are able to meet the needs of residents we will resist the loss of employment, retail and community uses. This will include facilities such as buildings and spaces used by or for job generating uses and community and social gathering purposes, such as pubs, shops and Post Offices.

The policy states that permission will not be granted for the change of use of current or allocated employment land and premises or social or community facilities, where it would harm social or community gathering and/or business and employment opportunities in the area, unless:

1. Continued use (or new use on a specifically allocated site) would significantly harm the quality of a locality whether through traffic, amenity, environmental or other associated problems; or
2. The new use would safeguard a listed building where current uses are detrimental to it and where it would otherwise not be afforded protection; or
3. Options for retention of the site or premises for its current or similar use have been fully explored without success for at least 12 months (and up to 2 years depending on market conditions) and there is a clear demonstration of surplus supply of land or provision in a locality; or
4. The proposed use would result in the provision or restoration of retail (Class A1) facilities in a settlement otherwise bereft of shops. Such facilities should be commensurate with the needs of the settlement.

It is not considered that the proposal conflicts with the provisions of Strategy 32 of the Local Plan because the proposed uses on the ground floor include both employment generating commercial uses and a youth club which would ensure that there is no loss of employment or community uses. Should members be minded to approve the application, a condition is recommended to ensure that a youth club is provided at ground floor in accordance with the details submitted to ensure adequate provision is

made for new youth club facilities and that there is no loss of community facilities in the area.

### **Character and Appearance**

Strategy 6 (Development within Built-Up Area Boundaries) of the Local Plan states that within the boundaries development will be permitted if:

1. It would be compatible with the character of the site and its surroundings and in villages with the rural character of the settlement.
2. It would not lead to unacceptable pressure on services and would not adversely affect risk of flooding or coastal erosion.
3. It would not damage, and where practical, it will support promotion of wildlife, landscape, townscape or historic interests.
4. It would not involve the loss of land of local amenity importance or of recreational value;
5. It would not impair highway safety or traffic flows.
6. It would not prejudice the development potential of an adjacent site.

Policy D1 (Design and Local Distinctiveness) of the Local Plan states that proposals will only be permitted where they:

1. Respect the key characteristics and special qualities of the area in which the development is proposed.
2. Ensure that the scale, massing, density, height, fenestration and materials of buildings relate well to their context.
3. Do not adversely affect:
  - a) The distinctive historic or architectural character of the area.
  - b) The urban form, in terms of significant street patterns, groups of buildings and open spaces.
  - c) Important landscape characteristics, prominent topographical features and important ecological features.
  - d) Trees worthy of retention.
  - e) The amenity of occupiers of adjoining residential properties.
  - f) The amenity of occupants of proposed future residential properties, with respect to access to open space, storage space for bins and bicycles and prams and other uses; these considerations can be especially important in respect of proposals for conversions into flats.

Policy EB2 of the Exmouth Neighbourhood Plan states that new development should be mindful of surrounding building styles and ensure a high level of design as exemplified in the Avenues Design Statement (2005).

It should be noted that following concerns that have been raised by the Council's Urban Designer and the Conservation Officer regarding the proposed scale, mass and bulk of the development across the whole site, which was considered to be excessive and inappropriate for this prominent corner position within the town, amended plans have been received which have made a number of design changes to the building. These amendments include the removal of a 5<sup>th</sup> floor, changes to the roofscape and roof profiles to create distinct roof areas and traditional roof pitches over a previously approved flat roof. The overall design has also been broken up into more individual blocks with a gradual setting back of the individual floors which help to respect the

original form and massing of the site more closely whilst reducing the bulk and massing and overall dominance within the streetscene when viewed from Imperial Road and St Andrews Road.

Concerns have also been expressed by officers about the relationship between the site to Manor Gardens where the existing building has been designed to sit well within the canopy line of the trees and not create an unacceptable visual intrusion to either the park or Imperial Road in existing views. As a public space, the relationship of the site to Manor Gardens is considered to be a particularly important viewpoint where the existing building shows a sensitivity to its surroundings that any replacement development should seek to match in the interests of visual amenity from Manor Gardens.

In response to these concerns the elevations of the building facing Manor Gardens has been significantly reduced in terms of its footprint within the site along with its height, bulk, scale which in-turn has reduced the overall massing of the building and lessens the visual impact when viewed from public vantage points within Manor Gardens. Whilst this part of the development would remain visible from parts of the public park, the re-design of this part of the scheme is considered to be more sensitive to its surroundings and would ensure that the building does not appear unduly prominent or dominant or visually intrusive in these views.

Overall, it is accepted that the proposal now has less of an overall contemporary approach and is considered to be more appropriate to the surrounding context with less of an impact on the inherent character of the area.

Whilst the proposal would still result in a development that is substantially larger than the existing buildings which make no positive contribution to the streetscene or the wider character and appearance of the area, overall, the design changes are considered to be a significant improvement to the original submission where the concerns of officers have clearly been taken into account. It is accepted that the proposal would have a greater impact than the existing buildings on the site however following the amendments that have been made to the scheme, on balance, it is considered that the visual impact of the building and its subsequent dominance and intrusiveness within the streetscene has been significantly reduced and that the design changes which incorporates a curved corner to the ground floor frontage would appropriately address the constraints of this prominent site at the junction of St Andrews Road and Imperial Road heavily used as an entrance to the town and to the seafont.

On balance, following the design changes that have been made and subject to conditions requiring the submission of materials and external finishes for the development, it is considered that the proposal would be acceptable in terms of its design and impact on the character and appearance of the area and would comply with the provisions of Strategy 6 and Policy D1 of the Local Plan and policy EB2 of the Exmouth Neighbourhood Plan.

## **Heritage Impact**

Under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 the Council has a duty in favour of preserving heritage assets. Paragraphs 193-196 of the NPPF deal with the assessment of harm to designated heritage assets and which advises that great weight should be given to an asset's conservation and this should be proportionate to the importance of the asset. This is reflected in policy EN10 (Conservation Areas) of the Local Plan which states:

*Proposals for development, including alterations, extensions and changes of use, or the display of advertisements within a Conservation Area, or outside the area, but which would affect its setting or views in or out of the area, will only be permitted where it would preserve or enhance the appearance and character of the area. Favourable consideration will be given to proposals for new development within conservation areas that enhance or better reveal the significance of the asset, subject to compliance with other development plan policies and material considerations. Loss of a building or other structure that makes a positive contribution to the significance of a Conservation Area will be considered against the criteria set out in Policy EN9.*

The site including Sam's Funhouse and the Community Centre, 'The Hive', falls within Area A, an extension to Exmouth's Conservation Area, characterised as ... Morton and Alexandra Terraces are bold and prominent stuccoed buildings on the seafront.

Dating from the late 19th century their linear form, scale and detailing contribute to the character of Exmouth. To the east and north of these terraces the seafront is dominated by the open space of the pleasure gardens, most notably Manor Gardens linking the seafront with the town centre.' Manor Gardens, is located to the rear of Sams Funhouse, a mixed use urban block, the majority of which includes a consciously designed public green space, with mostly C19th utilitarian public structures defining the southern edge.

The wider setting includes, the rhythm provided by the mass, scale and detail of the C19th terraced housing to the west, Chapel Hill to the east and the open space of the pleasure gardens to the south, which in conjunction with Manor Gardens, provides a green corridor to the seafront. In summary, Manor Gardens forms the immediate setting of the land to the rear of Sam's Funhouse. The gardens make a positive contribution to the character of the surrounding conservation area. While there is some built form to the southern boundary, these are mostly C19th public service buildings, of reasonable quality and design that in conjunction with Manor Garden introduce an urban block, within a mostly residential part of the conservation area.

Original concerns were raised by the Council's Conservation Officer in respect of the proposed scale, mass and bulk of the development across the whole site being excessive, particularly in the context of the immediate surrounding development opposite in Imperial Road and on the north side of St Andrews Road.

Observations were made in respect of the existing building behind 'The Hive' being considerably larger and this hierarchy of development should be reflected in any future proposals with scope to include both two and up to four storeys. Concerns were expressed about the considerable expanse of flat roof and the low profile zinc roof at second floor as being an unusual solution.

Whilst no objections were raised to the introduction a more contemporary approach at the upper levels to reduce the overall massing of the development there were concerns that the proposal created a very large overall structure outside the existing built forms and the stepped levels from ground up to a 4th floor (5 storeys) were out of keeping with the adjacent traditional two to three storey buildings, mainly residential, that surround the site.

The aforementioned amendments that have been made to the design, scale, bulk and massing of the development are now broadly supported by the Council's Conservation Officer who accepts that the changes to the St Andrews Road and Imperial Road elevations, the reduction in the number of floors and changes to the roof scape and roof profiles, the breaking up of the building into more individual block with a gradual setting back of the individual floors results in a development that better respects the original form and massing of buildings on the site more closely.

On balance, having regard for the condition and appearance of the existing buildings on the site which make little positive contribution to the Conservation Area in views from St Andrews Road and Imperial Road, it is considered that the amended proposals would have less of an impact and therefore would result in less than substantial harm, on the inherent character associated with the surrounding Exmouth Conservation Area. It is considered that the proposed development would comply with the provisions of policy EN10 of the Local Plan preserving and enhancing the Conservation Area through a carefully designed mixed use scheme which weighs in favour of the proposal.

## **Flood Risk**

Notwithstanding officer concerns about the principle of new development in an area designated as flood zone 3 the Environment Agency have removed their objection to the proposal following their review of the revised Flood Risk Assessment (FRA) (reference J-1047-Rev.03) and drawing reference 7816-100 revision E – although it is for the Local Planning Authority to make an assessment with regard to the Sequential Approach. The updated FRA (Site & GF Plan now define the Finished Floor Levels for the ground floor units and acknowledge the benefits provided by the improved tidal flood defences being constructed for Exmouth. Therefore, should members be minded to approve the application, a condition is recommended which ensures the implementation of the FRA ensuring that the following flood mitigation measures are implemented as part of the development prior to occupation:

- Finished Floor Levels of 3.30mAOD

- Flood Resistant materials used for all new construction work below 5.14mAOD
- Future electrical circuitry and apparatus installed at or higher than 5.14mAOD, and where this is not feasible, should be designed to be suitable for inundation with water
- Flood resistant barriers to 600mm high
- Residents should sign up to the EA's flood warning system

In the absence of any objections from the EA, it is considered that should members decided to accept the principle of development on this site, future occupiers of the development would be safeguarded from future flood risk following implementation of the flood proofing measures.

### **Residential Amenity**

Policy D1 (Design and Local Distinctiveness) of the Local Plan requires that development proposals do not adversely affect the amenities of occupiers of adjoining residential properties.

Replacing the existing buildings with a larger mixed use scheme would result in a degree of additional impact to the occupiers of surrounding properties although the separation between the site from the adjacent highway on each side of the building would be sufficient to ensure that the physical impact of the building is not significantly overbearing or over dominant to the properties on the opposite side of Imperial Road and St Andrews Road. Introducing residential development to the upper floors of the site and intensifying the use of the site would also result in a degree of additional impact from the change in the character of the use of the site however given the site's proximity to the town centre and the variety of existing uses at ground floor which include a night club and bar, it isn't considered that the impact would be so harmful to residential amenity to sustain an objection.

The most significant impact of the development would be to Manor Cottage, a two storey property to the east of the site which has been sub-divided into a number of flats. The western elevation of this property in particular shares a close relationship with the site where there are a number of first floor windows facing towards the site which currently has a blank elevation facing towards the site. The existing buildings are currently single storey rising to its full height stepping away from the boundary.

The proposed building has been designed so as to respect the relationship with Manor Cottage whereby it would be single storey in form where closest to the boundary increasing to three stories in height stepping back 13 metres back from the boundary. Officer concerns about the position of first and second floor windows for apartments 1, 16 and 17 on the eastern elevation and overlooking have been addressed by their removal or by replacing them with high level windows . Whilst two windows remain for apartment 2 at first floor level, views from these windows would be partially obscured by the shallow pitched roof construction of the single storey element of the building. The central portion of this part of the building would be dropped to allow for light to

enter into apartment 2 but as demonstrated by the cross section drawings, views out from these windows to Manor Cottage would be obscured by it's construction.

On balance, notwithstanding the intensification of the use of the site and the introduction of a residential use, it is considered that the proposed re-development would not adversely affect the residential amenities of the occupiers of surrounding properties to a harmful degree bearing in mind the relatively high density urban context within which the site is positioned, the variety of existing commercial uses in the area. The proposal is considered to comply with the provisions of policy D1 of the Local Plan.

The Council's Environmental Health Officer has raised some detailed observations about the sound insulation - in particular above the youth centre and the lack of information about how the suggested sound reduction of 80 dB between the youth centre and the residential units would be achieved. Whilst these concerns are noted, sound insulation would be considered under current building regulation document E standards.

Whilst concerns from the EHO about the relative complexity of the proposed development are noted, Officers are satisfied that should members be minded to approve the application that details pertaining to odour abatement for the restaurant could be dealt with through the imposition of a condition which could require the submission of detailed specification of the ventilation system and odour and noise abatement measures.

### **Arboricultural Impact**

The site is bounded to the south and east by the Manor Gardens. Primarily there are two groups of mature trees growing in this part of the Gardens that overhang the southern boundary of the site. All of these trees benefit from the protection afforded them by the Conservation Area status of the site.

This Council's Tree officer raised concerns about the conflict between the proposal and retained trees and that the proposal does not provide for sustainable retention of these trees. Concerns were raised that the current design would result in extensive crown reduction in order to facilitate the construction of the building and further pressure to reduce the crowns in order to enable appropriate light levels to be available to future residents of these units.

In response the applicant commissioned an Arboricultural Report and Impact Assessment from a qualified arboriculturalist and the Council's Tree Officer is now satisfied that the proposed development can be undertaken without adversely affecting the health and well-being of the trees in Manor Gardens. Subject to a condition requiring the development to be carried out in accordance with the Tree Protection measures and Arb Method statement, the tree officer is satisfied that the proposal complies with the provisions of policy D3 of the Local Plan.

## **Ecological Impact**

The application is accompanied by an Ecological Survey prepared by Devon and Cornwall Ecology who have been commissioned to undertake a phase 1 bat and nesting bird survey of the buildings on the site. The survey identified areas of low potential for crevice dwelling bats on the exterior of the three storey building and therefore an emergence survey has also been undertaken. The ecologist advises that no bats were recorded emerging from sections of the building covered in the first emergence survey and that very little bat activity was recorded. The ecologist also advises that some sections of the building owned by the Youth Centre haven't been inspected and that a survey had been commissioned however no further surveys have been received in support of the application.

The ecologist has prepared the report assuming a worst case scenario with the presence of individual common Pipistrelle bats present in the sections of the building not yet surveyed. The report assumes the loss of a summer day roost for individual bats and states that the works will need a European Protected Species Licence from Natural England and then puts forwards a series of mitigation measures to compensate for the loss of the summer day roost through the provision of 2 no Schwegler bat tubes being installed within the new building.

Whilst a worst case scenario approach would not usually be supported, as mitigation should be specifically tailored to the specific findings from surveys, given the location of the site in the heart of Exmouth with few green links to the wider areas that bats would find attractive, on the balance of evidence it is unlikely that there are bats present in the buildings and a worst case scenario is accepted.

## **Habitat Regulations Assessment**

The nature of this application and its location close to the Exe Estuary and/or Pebblebed Heaths and their European Habitat designations is such that the proposal requires a Habitat Regulations Assessment. This section of the report forms the Appropriate Assessment required as a result of the Habitat Regulations Assessment and Likely Significant Effects from the proposal. In partnership with Natural England, the council and its neighbouring authorities of Exeter City Council and Teignbridge District Council have determined that housing and tourist accommodation developments in their areas will in-combination have a detrimental impact on the Exe Estuary and Pebblebed Heaths through impacts from recreational use. The impacts are highest from developments within 10 kilometres of these designations. It is therefore essential that mitigation is secured to make such developments permissible. This mitigation is secured via a combination of funding secured via the Community Infrastructure Levy and contributions collected from residential developments within 10km of the designations. This development will be CIL liable and the financial contribution has been offered through a Heads of Terms which could be secured through a S106 agreement should planning permission be granted. On this basis, and as the joint authorities are work in partnership to deliver the required mitigation in accordance with the South-East Devon European Site Mitigation Strategy, this proposal will not give rise to likely significant effects.

## Highway Safety and Parking

Policy TC7 (Adequacy of Road Network and Site Access) of the Local Plan states that Planning permission for new development will not be granted if the proposed access, or the traffic generated by the development, would be detrimental to the safe and satisfactory operation of the local, or wider, highway network.

Policy TC9 (Parking Provision in New Development) states that spaces will need to be provided for Parking of cars and bicycles in new developments. As a guide at least 1 car parking space should be provided for one bedroom homes and 2 car parking spaces per home with two or more bedrooms. At least 1 bicycle parking space should be provided per home.

In town centres where there is access to public car parks and/or on-street parking lower levels of parking and in exceptional cases where there are also very good public transport links, car parking spaces may not be deemed necessary.

The application is located on the junction of St Andrews Road (L2608) and Imperial Road (L2625). Exmouth benefits from good sustainable travel, of bus, train and the Exe-Estuary trail together with an array of local services and facilities. Therefore although various uses are proposed for this site, the County Highway Authority are of the opinion that traffic will not build-up onto local carriageway and create any highway safety concerns. They have advised that the proposed site layout allows for turning off-carriageway and the re-entry of vehicles to the highway in a forward gear motion. The visibility splay upon the existing access will remain unimpeded. The cycle storage will help in the cause of sustainable travel and inter-connection with the local sustainable travel facilities.

In the absence of any objections from the CHA and the subject to the imposition of conditions requiring the submission of a comprehensive construction management plan to show how the site can be transformed in-situ without impacting on the safe operation of the highway network, it is considered that the proposal complies with the provisions of policies TC7 and TC9 of the Local Plan.

### Planning Obligations:

Should members be minded to approve the application, contrary to officer recommendation, in order to secure the necessary planning obligations a Section 106 agreement is required to secure the following:

- 35% affordable housing
- Habitat mitigation payments of £354 per residential unit (34 \* 354 = £12,036).

Although a request has been made for a contribution towards the local NHS Trust, sufficient evidence from the Trust to justify the request has not been provided.

Whilst such a contribution could be justified in principle, the NHS have failed to provide adequate justification on how their contribution has been calculated, how it would be

spend and over what timescale. As such the requested is not considered to be justified and cannot be legally secured in this instance.

## **CONCLUSION**

The principle of development is acceptable being within the heart of Exmouth.

Whilst the proposal would make a positive contribution to the Conservation Area, and provide levels of affordable housing above the required policy level, the site is located within a flood zone and inadequate evidence has been put forward to demonstrate that a registered provider would take on the affordable units.

Despite a need for smaller units in Exmouth, the lack of evidence of interest from registered providers undermines the applicant's case that a reduced sequential test area should be applied to this application. In light of this, and given that the NPPF rightly seeks to direct residential development away from areas at risk of flooding, the proposal fails the sequential test and residential development of the site is not considered to be appropriate.

Although matters of residential amenity, design and layout, highway safety and drainage have all been found to be acceptable (subject to appropriate safeguarding conditions), on balance, it is considered that the location of the site within a flood zone and lack of evidence of any interest in the affordable housing units from registered providers, outweighs the benefit of providing smaller units on the site and the positive impact on the conservation area.

## **RECOMMENDATION**

REFUSE for the following reasons:

1. The proposed development would take place in an area of high flood vulnerability and the reason for justifying a reduced area for the sequential test (as opposed to being a district wide area of search) to Exmouth has been diminished through the lack of evidence of the deliverability of the affordable housing and clarification over its tenure type in terms of whether it addresses the identified need for rented units in Exmouth. Furthermore, Exmouth has witnessed significant growth and approvals for additional dwellings (including for affordable occupation) in recent years which would address some of the evidence for rented accommodation need. Accordingly, it is considered that harm from the proposal outweighs any benefits and that the application fails to satisfy the sequential test and that residential development in flood zones 2 and 3 would be contrary to guidance contained within the National Planning Policy Framework and the Planning Practice Guidance which seeks to steer new development to areas with the least probability of flooding and policy EN21 (River and Coastal Flooding) of the East Devon Local Plan 2013-2031.

NOTE FOR APPLICANT  
Informative:

In accordance with the requirements of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 in determining this application, East Devon District Council has worked proactively and positively with the applicant to attempt to resolve the planning concerns the Council has with the application. However, the applicant was unable to satisfy the key policy tests in the submission and as such the application has been refused.

Plans relating to this application:

TH/A467/1019 (additional info)	Arboriculturist Report	17.01.20
7816-LP	Location Plan	09.08.19
Phase 1 Bat Survey : July 2019	Protected Species Report	07.08.19
affordable housing contributions document	General Correspondence	07.04.20
7816-100 F : site/ground	Proposed Combined Plans	07.04.20
7816-120-E : 3rd/4th	Proposed Floor Plans	07.04.20
7816-130-E : elevations/roof	Proposed Combined Plans	07.04.20
7816-150-E : street views	Perspective Drawing	07.04.20
7816-151-E : south west birdseye view	Perspective Drawing	07.04.20
7816-152-D : south	Perspective Drawing	07.04.20

birdseye view		
7816-153-B : comparative street view	Perspective Drawing	07.04.20
7816-1D : appendix D : sequential test map	Other Plans	07.04.20
	Flood Risk Assessment	07.04.20
sequential test statement	General Correspondence	07.04.20
7816-140-F (amended)	Proposed Elevation	16.06.20
7816-110-F : 1st/2nd floor (amended)	Proposed Floor Plans	16.06.20

List of Background Papers

Application file, consultations and policy documents referred to in the report.